

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**M. PATRICIA CANTU and  
ROBERTO CANTU,**  
*Plaintiffs*

**V.**

**AUSTIN POLICE DEPARTMENT,  
BRIAN MANLEY, ERIN TRUHO,  
MICHAEL JOSEPH, JACOB  
BEIROWSKI, ROBERT  
MATTINGLY, LUIS ALBERTO  
CAMACHO, III, KYLE PETERSON,  
JULIAN PADRO-MARTIN,  
CHRISTOPHER J. KNODEL,  
CITY OF AUSTIN, TEXAS, REY  
ARELLANO, FARAH C.  
MUSCADIN, TRAVIS COUNTY  
MEDICAL EXAMINER'S OFFICE,  
and DR. VICKIE L. WILLOUGHBY**

*Defendants*

**Case No. 1:21-CV-00084-LY-SH**

## ORDER

Before the Court are the Motion for Scott Ogle to Withdraw as Attorney of Record for Plaintiffs, filed November 2, 2021 (Dkt. 35), and the Motion to Withdraw as Counsel of Record, filed November 16, 2021 by Adam C. Cortez (Dkt. 36). On April 30, 2021, the District Court referred all pending and future motions in this case to the undersigned Magistrate Judge, pursuant to 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas (“Local Rules”).

Dkt. 23.

On October 11, 2021, Mr. Cortez filed a notice of appearance stating that he had been retained as lead counsel in this case. Dkt. 34. Mr. Ogle states in his Motion to Withdraw that Plaintiffs had agreed that he would withdraw and Mr. Cortez would be designated attorney of record. Dkt. 35

¶ 3. Two weeks later, Mr. Cortez filed his Motion to Withdraw, stating that Plaintiffs no longer wished to engage his services and “have informed counsel that they will prosecute this cause of action themselves.” Dkt. 36 ¶ 3. Mr. Cortez’s motion did not comply with Local Rule AT-3 because it was not signed by his clients.

Accordingly, on December 1, 2021, the Court held a hearing by telephone attended by Plaintiffs M. Patricia Cantu, Roberto Cantu, their counsel Scott Ogle and Adam C. Cortez, and counsel for the defense. Plaintiffs confirmed that they do not wish to be represented by either Mr. Ogle or Mr. Cortez, and Defendants do not oppose their withdrawal.

The Court finds that there is good cause for counsel to withdraw, there has been reasonable notice to Plaintiffs, and withdrawal will not disrupt this lawsuit. *See Hernandez v. Siemens Corp.*, No. SA-16-CV-00539-RCL, 2017 WL 5712100, at \*3 (W.D. Tex. Nov. 27, 2017) (citing *Broughten v. Voss*, 634 F.2d 880, 882 (5th Cir. 1981)). Accordingly, the Court hereby **GRANTS** the Motion for Scott Ogle to Withdraw as Attorney of Record for Plaintiffs (Dkt. 35). The Court further **GRANTS** the Motion to Withdraw as Counsel of Record filed by Adam C. Cortez (Dkt. 36).

During the hearing on the motions to withdraw, Plaintiffs stated that they wish to proceed *pro se* in this lawsuit only until they are able to retain new counsel. Plaintiffs also made an oral motion for extensions of time to (1) submit a written offer of settlement to opposing parties, due December 3, 2021 pursuant to the Court’s Scheduling Order (Dkt. 37 ¶3); and (2) file objections to the Report and Recommendation issued November 30, 2021 (Dkt. 39), due December 14.

The Court hereby **GRANTS** the motion to extend. Plaintiffs shall submit a written offer of settlement to Defendants on or before **December 17, 2021**, and each opposing party shall respond, in writing, on or before **December 30, 2021**.

All parties have until **December 30, 2021** to file objections to the Report and Recommendation issued November 30, 2021 (Dkt. 39).

**SIGNED** on December 1, 2021.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE